

ARTICLE 12

USE CATEGORIES & DEFINITIONS

10.12.000 OVERVIEW OF ARTICLE 12

This Article establishes the framework for the classification of individual land uses to broad use categories. Article 12 also includes the definition of words with specific meaning in the Code. This Article should be used as a cross-reference to other Articles of the Code. The following topics are covered in this Article:

- Use Categories
- Definitions

The table of contents contains a complete list of the material included in this Article.

USE CATEGORIES

This section classifies land uses and activities into use categories on the basis of common functional, product or physical characteristics, thereby providing a consistent basis for the regulation of uses. The use categories provide a systematic basis for assignment of present and future uses to zones.

10.12.100 CLASSIFICATION OF USES

Uses are assigned to the category whose description most closely describes the nature of the primary uses. When all of the primary uses of a development fall within one use category, then the development is assigned to that category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.

10.12.105 LISTING OF USE CATEGORIES

All uses are classified into one or more of the following use categories. In order of listing in this section, they are: Residential, Civic, Commercial, Industrial and Other. Use types listed within each category are presented in alphabetical order.

In addition to use categories, the Code defines residential building types. Residential building types are listed in each zoning district that permits residential use from least intensive to most intensive (for example, “Single Detached” is listed above “Single Attached”, and both of these building types are listed above “Multi-Family”).

10.12.110 RESIDENTIAL USE CATEGORY

The residential use category includes the occupancy of living accommodations on a wholly or primarily non-transient basis.

- A. Household Living: Living facilities for small groups (households) of people who are related or unrelated, featuring self-contained units including facilities for cooking, eating, sleeping and hygiene. Tenancy is longer than one (1) month. Examples include single family detached and attached dwellings, duplexes, multifamily dwellings, and manufactured homes. The household living category includes most types of senior housing, e.g., congregate care and assisted living, if residents live in self-contained units. The Uniform Building Code shall determine the maximum number of people who may reside in any given dwelling unit.
- B. Group Living: Living facilities for groups of unrelated individuals which includes at least one (1) person residing on the site who is responsible for supervising, managing, monitoring and/or providing care, training or treatment of residents. Larger group living facilities may also be characterized by shared facilities for eating, hygiene and/or recreation. Examples include nursing/convalescent homes, residential care/treatment facilities, sororities/fraternities and convents/monasteries. Tenancy is longer than one (1) month. The group living category does not include detention and post detention facilities (see §10.12.150(C) Detention Facilities).

- C. Transitional Housing: Public or non-profit living facilities with the same characteristics as group living category but with tenancy less than one (1) month. Examples include homeless shelters, women's/children's shelters, drug/alcohol treatment facilities. The transitional housing category excludes private, profit-making short-term housing (see §10.12.130(A) Commercial Lodging) and detention and post-detention facilities (see §10.12.150(C) Detention Facilities).
- D. Home Occupation: A business operated from a dwelling that meets all standards and limitations for a home occupation (See Article 7).
- E. Bed and Breakfast Inn: A single-family dwelling where lodging and meals are provided to a limited number of paying guests, consistent with the standards and limitations for a bed and breakfast inn (See Article 7).

10.12.120 CIVIC USE CATEGORY

The civic use category includes utility, educational, recreational, cultural, protective, governmental, and other uses strongly vested with public or social importance.

- A. Basic Utilities: Community infrastructure necessary to support development and involving underground lines or minor structures such as water, sewer, electrical, natural gas and cable lines; telephone exchanges; pump stations, transit stations and other transportation facilities, services and improvements.
- B. Major Utilities Transmission Facilities: Community infrastructure that is either below or above ground and provides the distribution facilities to serve the community as a whole or a portion of the community such as major sewer and water lines, major electrical transmission lines within their own easement and electrical substations.
- C. Colleges: Institutions of higher education with/without dormitories. Excludes private, profit-making trade and vocational schools (see §10.12.130(D)(2) Personal Services).
- D. Community Recreation: Recreational, social or multi-purpose uses typically associated with parks, play fields, golf courses, or community recreation buildings.
- E. Cultural Institutions: Museum-like preservation and exhibition of objects in one (1) of more of the arts and sciences, gallery exhibition of works of art, or library collection of books, manuscripts, etc. for study and reading.
- F. Day Care: As defined by Oregon Revised Statute:
 - 1. Day care facility. A facility that provides day care for up to twelve (12) children, not including resident children.
 - 2. Day care institution. A facility that provides day care for more than twelve (12) children.

- G. Emergency Services: Facilities that provide protection to a district or entity, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations and ambulance services.
- H. Postal Service: Refers to postal services and processing as traditionally operated by the U.S. Postal Service, United Parcel Service or other similar entities. Such facilities include customer sales, mail sorting and fleet truck storage.
- I. Religious Institutions: Places of religious worship such as synagogues, temples and churches. May include related accessory uses such as offices, classrooms, auditoriums, social halls, and gymnasiums.
- J. Schools: Public and private elementary, middle and high schools. Trade and vocational schools are included in the Personal Services category (see §10.12.130(D)(2)).
- K. Social/Fraternal Clubs/Lodges: Typical uses include meeting places for civic clubs, lodges, or fraternal or veteran organizations.

10.12.130 COMMERCIAL USE CATEGORY

The commercial use category includes uses involved in the distribution, sale and/or rental of goods and the provision of services other than those classified in the Civic Use Category.

- A. Commercial Lodging: Residential facilities such as hotels, motels, rooming houses and recreational vehicle parks where tenancy is typically less than one (1) month; may include accessory meeting and convention facilities and restaurants/bars.
- B. Eating and Drinking Establishments: Establishments which sell prepared food and beverages for consumption on site or take-out. Examples include restaurants, delicatessens, bars, taverns, brew pubs and espresso bars.
- C. Entertainment-Oriented
 - 1. Major Event Entertainment: Facilities such as auditoriums, stadiums, convention centers and race tracks which provide athletic, cultural or entertainment events and exhibits for large groups of spectators.
 - 2. Outdoor Entertainment: Entertainment uses associated with extensive outdoor facilities including miniature golf courses, driving ranges, go cart tracks and shooting ranges.
 - 3. Indoor Entertainment: Indoor facilities such as health/fitness clubs, tennis, racquetball and soccer centers, recreational centers, skating rinks, bowling alleys, arcades, indoor shooting ranges and movie theaters.

D. General Retail

1. Sales-Oriented: Establishments which engage in consumer-oriented sales, leasing and rental of consumer, home and business goods. Examples include sales, leasing and rental of art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, gifts, groceries, hardware, household products, jewelry, pets and pet products, pharmaceuticals, plants, printed materials, stationary and videos. The sales-oriented category excludes large-scale consumer products (see §10.12.1305(D)(4), Bulk Sales) and those sold primarily outdoors (see §10.12.130(D)(5), Outdoor Sales).
2. Personal Services: Establishments which provide consumer services such as banks and credit unions, barber and beauty shops, pet grooming, laundromats and dry cleaners, copy centers, photographic studios, trade/vocational schools, and mortuaries.
3. Repair-Oriented: Establishments which engage in the repair of consumer and business goods including television and radios, bicycles, clocks, jewelry, guns, small appliances, office equipment, tailors and seamstress, shoe repair, locksmith and upholsterer.
4. Bulk Sales: Establishments which engage in the sales, leasing and rental of bulky items requiring extensive interior space for display including furniture, large appliances and home improvement sales.
5. Outdoor Sales: Establishments which engage in sales requiring outdoor display and/or storage including lumber yards and nurseries.
6. Animal-Related: Animal breeding and boarding facilities. Excludes pet sales/supplies (see §10.12.130(D)(1) Sales-Oriented), animal grooming (see §10.12.130(D)(2) Personal Services), and veterinary clinics (see §10.12.130(H) Offices).

E. Medical Centers: Facilities providing inpatient, outpatient and emergency and related ancillary services to the sick and infirm; usually developed in campus setting. Accessory uses may include diagnostic and treatment facilities, laboratories, surgical suites, kitchen/food service facilities, laundry, housekeeping and maintenance facilities, administrative offices and parking. Medical centers may also include free-standing offices for hospital-based and/or private practice physicians and other allied health care professionals; these medical office buildings are regulated as Offices (see §10.12.130(H) Offices). A medical center also includes a marijuana dispensary, either as part of a medical center campus or as a stand-alone facility.

F. Motor Vehicle Related

1. Motor Vehicle Sales/Rental: Includes car, light and heavy truck, mobile home, boat and recreation vehicle sales, rental and services. Parking facilities for car sharing vehicles by a car sharing organization are regulated as accessory parking to the use where the parking is located and are not classified as motor vehicle rental.

2. Motor Vehicle Servicing/Repair: Free-standing vehicle servicing and repair establishments including quick and general vehicle service, car washes and body shops that are not accessory to vehicle sales.
 3. Vehicle Fuel Sales: Establishments which engage in the sale of gasoline, diesel fuel and oil products for cars, trucks, recreational vehicles and boats.
- G. Non-Accessory Parking: Any private or public parking, either paid or free, which is not accessory to a primary use. Examples include public and private parking structures and lots, and transit park-and-ride lots; may also include free-standing fleet vehicle parking lot.
- H. Office: Government, business and professional offices. Examples include local, regional, state and federal offices and agencies; medical, dental and veterinary clinics and laboratories; blood collection centers; offices for attorneys, architects, accountants, engineers, stockbrokers, real estate agents, mortgage bankers, insurance brokers and other consultants; headquarters offices; sales offices; and radio and television studios. Also includes painting, landscaping, building and janitorial contractors where the indoor storage of materials and equipment are incidental to the office use. If this storage exceeds 50% of the occupied space, such uses are classified as Industrial Services (see §10.12.140 (A)). Offices that are part of and are located within a firm in another use category are considered accessory to the firm's primary activity.
- I. Self-Service Storage: Commercial operations which provide rental of storage space to the public. The storage areas are designed to allow private access by the tenant for storing or removing personal property. Does not include moving and storage companies where there is no individual storage or where employees are the primary movers of the goods to be stored (see §10.12.130(E) Warehouse/Freight Movement).

10.12.140 INDUSTRIAL USE CATEGORY

Industrial use types are defined as the on-site production of goods by methods that are not commercial, agricultural or extractive in nature.

- A. Industrial Services: Includes the repair and servicing of industrial and business machinery, equipment and/or products. Examples include welding shops; machine shops; repair shops for tools, scientific/professional instruments, and motors; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire recapping and retreading; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; janitorial and building maintenance contractors; fuel oil distributors; solid fuel yards; laundry, dry cleaning and carpet cleaning plants; and photo finishing laboratories.

B. Manufacturing and Production

1. Light Industrial: Production, processing, assembling, packaging or treatment of finished products from previously prepared materials or components. All activities and storage is contained within buildings. Examples include the manufacturing and assembly of small-scale machinery, appliances, computer and other electronic equipment; pharmaceuticals; scientific and musical instruments; art work, toys and other precision goods; sign making; and catering facilities.
 2. General Industrial: Manufacturing, processing and assembling of semi-finished or finished products from raw materials. All activities are contained within buildings although there may be some outside storage of raw materials. Examples include food processing; breweries, distilleries and wineries; production of apparel or textiles; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, metal, stone or glass materials or products; manufacturing and production of large-scale machinery.
- C. Call Centers: Establishments using data or communication networks to conduct its business. Employees either make or take calls to provide a service or sell a product that could be shipped from the site or another location. Its clients are not local but rather global.
- C. Railroad Yards: A terminus of several railroad lines where the loading, unloading, transshipment and switching of rail cars is undertaken.
- D. Research and Development: Facility featuring a mix of uses including office, research laboratories and prototype manufacturing. If the use does not include a manufacturing component, it is considered an Office use (see §10.12.130(H)).
- E. Warehouse/Freight Movement: Uses involved in the storage and movement of large quantities of materials or products indoors and/or outdoors; associated with significant truck and rail traffic. Examples include free-standing warehouses; household moving and general freight storage; cold storage plants/frozen food lockers; weapon and ammunition storage; major wholesale distribution centers; truck, marine and air freight terminals; bus barns; grain terminals; and stockpiling of sand, gravel, bark dust or other aggregate and landscaping materials.
- F. Waste Related: Uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses which collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material. Examples include recycling/garbage transfer stations, landfills, composting facilities, and sewage treatment plants.
- G. Wholesale Sales: Involves sales, leasing or rental of equipment or products primarily intended for industrial, institutional or commercial businesses. Businesses may or may not be open to the general public, but sales to the general public are limited. Examples include the sale or rental of machinery, equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equip-

ment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, and building hardware.

10.12.150 OTHER USE CATEGORY

Miscellaneous individual uses are included in the Other Use Category.

- A. Agriculture/Horticulture: An area (open or enclosed) devoted to the raising of plants, fruits, vegetables, nuts, nursery stock and/or flowers; may include on-site sales of products grown on the site. Excludes nurseries, which are classified under Outdoor Sales (see §10.12.130(D)(5)).
- B. Cemeteries: Facilities for storing human remains. Accessory uses may include chapels, mortuaries, mausoleum, crematorium, offices, maintenance facilities and parking.
- C. Detention Facilities: Uses which have the characteristics of the Group Living Category but are devoted to the housing, training and supervision of those under judicial detention. Examples include prisons, jails, probation centers, juvenile detention homes and related post-incarceration and half-way houses.
- D. Mining: Uses which mine or extract mineral or aggregate resources from the ground for off-site use. Accessory uses may include storage, sorting and transfer facilities.
- E. Wireless Communication Facilities: Includes publicly and privately-owned towers and related transmitting equipment for television, FM/AM radio, cellular and two-way radio and microwave transmission and related ancillary equipment and buildings; does not include radio/television facilities which are part of the public safety network (see §10.12.120(A) Basic Utilities). Does not include amateur (ham) radio antennas or towers.
- F. Information: Uses that are engaged in the following processes: producing and distributing information and cultural products; providing the means to transmit or distribute these products as well as data or communications; and processing data. Included in this definition are those establishment types within Sector 51 – Information as provided by the North American Industry Classification System, United States, 1997 Edition with the exception of §§51213, Motion Picture and Video Display.

10.12.160 UNLISTED USE: AUTHORIZATION OF SIMILAR USE

- A. Purpose. It is not possible to contemplate all of the various uses that will be compatible within a zoning district. Therefore, unintentional omissions occur. The purpose of this section is to establish a procedure for determining whether certain specific uses would have been permitted in a zoning district had they been contemplated and whether such unlisted uses are compatible with the listed uses.
- B. Process. The Planning Commission shall render an interpretation, pursuant to the Type III process by §10.1.600 of this Code.

C. Approval Standards. Approval or denial of an unlisted use application by the Director shall be based on findings that:

1. The use is consistent with the intent and purpose of the applicable zoning district;
2. The use is similar to and of the same general type as the uses listed in the zoning district;
3. The use has similar intensity, density, and off-site impacts as the uses listed in the zoning district; and
4. The use has similar impacts on community facilities as the listed uses. Community facilities include streets, schools, libraries, parks, police and fire stations, and water, sanitary sewer and storm drainage systems.

D. Other Provisions

1. The Director shall not authorize an unlisted use in a zoning district if the use is specifically listed in another zone as either a permitted use or a conditional use.
2. The Director shall maintain a list by zoning district of approved unlisted uses and the list shall have the same effect as an amendment to the use provisions of the applicable zone.

DEFINITIONS

10.12.200 MEANING OF WORDS GENERALLY

- A. In General. All of the terms in this title have their commonly accepted, dictionary meaning unless they are specifically defined in this chapter or the context in which they are used clearly indicates to the contrary.

10.12.205 MEANING OF COMMON WORDS

- A. Tense. All words used in the present tense include the future tense.
- B. Singular/Plural. All words used in the plural include the singular, and all words used in the singular include the plural unless the context indicates to the contrary.
- C. Gender. All words used in the masculine gender include the feminine gender.
- D. Use of “Shall,” “Will” And “May.” The words “shall” and “will” are mandatory and the word “may” is permissive.
- E. Use of “Building” And “Structure.” The word “building” includes the word “structure.”
- F. Use of “Used For.” The phrase “used for” includes the phrases “arranged for,” “designed for,” “intended for,” “maintained for” and “occupied for.”
- G. Use of “Land” And “Property.” The words “land” and “property” are used interchangeably unless the context clearly indicates to the contrary.

10.12.210 MEANING OF SPECIFIC WORDS AND TERMS

As used in this Code, the following words and phrases shall mean:

- A1. Abut/Abutting Lots, Adjacent/Adjoining Lots Or Contiguous Lots. Two (2) or more lots joined by a common boundary line or point
- A2. Accept. To receive as complete and in compliance with all submittal requirements.
- A3. Access. The place, means or way by which pedestrians, bicycles and vehicles enter or leave property. A private access is an access not in public ownership and is controlled by means of deed, dedication or easement.
- A4. Accessory Building or Structure. A freestanding structure incidental and subordinate to the main use of property and located on the same lot as the main use.
- A5. Accessory Use. A use which is incidental and subordinate to the principal use.
- A6. Acre. A measure of land area containing 43,560 square feet.

- A7. Addition. A modification to an existing building or structure which increases the site coverage.
- A8. Affected Party. Those persons entitled to receive notice of a pending limited land use decision or a public hearing.
- A9. Agricultural Use. Includes farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry; it does not include the operation of a feed lot or other commercial feeding of animals.
- A10. Aisle. The corridor by which cars enter and depart parking spaces.
- A11. Alley. A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.
- A12. Alteration, Structural. Any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration of bearing walls, foundation, columns, beams or girders.
- A13. Alternative Access. The ability to enter a highway or other public street indirectly through another improved roadway rather than direct driveway entrance from the public right-of-way frontage.
- A14. Amendment. A change in the wording, context or substance of this code or the comprehensive plan, or a change in the boundaries of a district upon the zoning district map or the boundaries of a designation on the comprehensive plan map.
- A15. Amenity. A natural or created feature that enhances the aesthetic and functional quality, visual appeal, or makes more attractive or satisfying a particular property, place, or area.
- A16. Americans With Disabilities Act. A 1990 federal law designed to bring disabled Americans into the economic mainstream by providing them equal access to jobs, transportation, public facilities, and services.
- A17. Annexation. The incorporation of a land area into the City of Forest Grove with a resulting change in the boundaries of the City.
- A18. Antenna. A device used to transmit and/or receive radio or electromagnetic waves between land- and/or satellite-based structures.
- A19. Appeal. A request that a final decision be considered by a higher authority.
- A20. Applicant. A person submitting an application for development.
- A21. Application. Materials submitted or to be submitted.
- A22. Approval Authority or Review Body. Either the Director, the initial hearing body or the Council, depending on the context in which the term is used.

- A23. Approved Plan. A plan that has been granted final approval by the appropriate approval authority.
- A24. Assessed Valuation. The value at which property is appraised for tax purposes.
- A25. Awning. Any stationary structure, other than a window awning, for the purpose of providing shelter from the sun and rain and having a roof with supports and not more than one (1) wall or storage cabinet substituting for a wall.
- B1. Basement. Any area of the building having its floor subgrade (below ground level) on all sides.
- B2. Bed and Breakfast Inn. A single-family dwelling unit where lodging and meals are provided to a limited number of paying guests who are prohibited from staying for longer than fifteen (15) days.
- B3. Berm. A mound of earth.
- B4. Bike Lane. Lanes on an improved street which are designated for use by cyclists and separated from vehicular traffic either by striping or small concrete barrier.
- B5. Bikeway. A pathway, paved and separated from streets and sidewalks, designed to be used by cyclists.
- B6. Bio-swale. One type of stormwater management technique that uses chemical, biological and physical properties of plants, microbes and soils to remove, or retain, pollutants from stormwater runoff. It is distinguished from other types of bioretention techniques in that it is designed as part of a stormwater conveyance system that has relatively gentle slopes and flow depths that are generally less than 12 inches.
- B7. Buildable Area. The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance has been met.
- B8. Building. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
- B9. Building Code. The building code presently adopted by the State of Oregon and the City of Forest Grove, and enforced by the City.
- B10. Building Envelope. That portion of a buildable area exclusive of the areas required for front, side and rear yards and other required open spaces and which is available for siting and constructing a building or buildings.
- B11. Building, Primary. A building in which the primary use of the property is conducted.
- B12. Building Height. The vertical distance from the average elevation of the finished grade to the highest point of the structure, excluding steeples, chimneys and/or antennas attached to the principal structure.

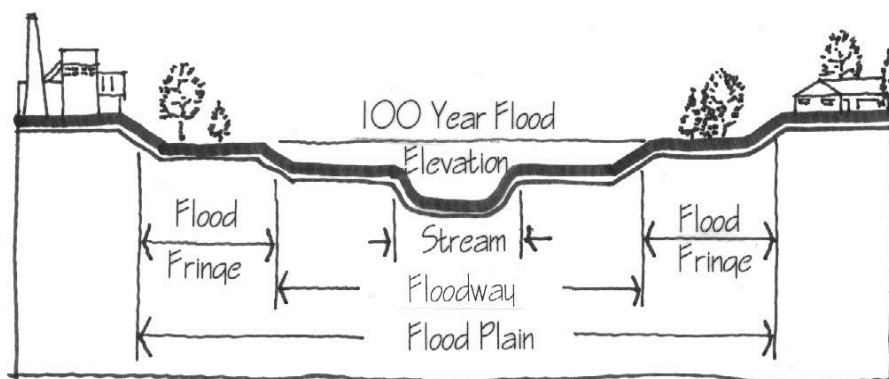
- B13. Building Line. A line parallel to the front lot line and passing through the most forward point or plane of a building foundation.
- B14. Building Official. Person appointed by the City Manager to enforce the provisions of the State Building Code.
- B15. Building Permit. Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure.
- C1. Caliper. The diameter of a tree trunk measured at a prescribed height.
- C2. Carpool/Vanpool. A group of two (2) or more commuters who share the ride to and from work, school, and other destinations.
- C3. Car-Share Organization. A car-share organization is any public or private entity that provides a membership-based car-share service to the public and manages, maintains, and insures motor vehicles for shared use by individuals and group members.
- C4. Change of Use. Any use that differs from the previous use as defined in the §10.12.005, Use Categories.
- C5. City. The area within the territorial limits of the City of Forest Grove.
- C6. City Engineer. The person assigned the title of City Engineer for the City of Forest Grove, Oregon, or designee.
- C7. City of Forest Grove. The governing structure for the municipality of Forest Grove, Oregon.
- C8. Clear Vision Area. A triangular area located at the intersection of two (2) streets, a street and a railroad, or a street and driveway; defined by a line across the corners, the ends of which are on the street or alley lines, an equal and specified distance from the corner.
- C9. Complex. A structure or group of structures developed on one (1) or more contiguous lots of record and developed as part of an overall development plan.
- C10. Comprehensive Plan. The generalized, coordinated land use map and policy statement of the governing body of the City of Forest Grove that interrelates all functional and natural systems and activities relating to the use of land, including, but not limited to: sewer and water systems, transportation systems, educational facilities, natural resources, and air and water quality management systems.
- C11. Conditional Use. A use which may be permitted by the approval authority following a public hearing, upon findings by the authority that the approval criteria have been met or will be met upon satisfaction of conditions of approval.
- C12. Contiguous. See “Abutting.”
- C13. Council. The City Council of Forest Grove, Oregon.

- C14. Cul-de-sac. The circular turnaround at the end of a dead-end street.
- D1. Dedication. The limited grant by a property owner allowing the use of property by the public for specified purposes.
- D2. Deed. A legal document conveying ownership of real property.
- D3. Demolish. To raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a designated historic structure or resource.
- D4. Density. The intensity of residential land uses, usually stated as the number of housing units per net acre.
- a. Gross Density. The number of residential dwelling units per acre based on the area of the site found inside the parcel boundary. This includes the building lots, parking and driving areas, sidewalks, public right-of-ways, public and private streets and common driveways, public and private open space areas, and other tracts intended for public use.
 - b. Net Density. The number of dwelling units per acre based on the net site acreage, which does not include rights-of-way through or on the edge of the site, environmentally constrained areas, or land intended for public ownership such as park and open space uses.
 - c. Bonus Density. Density bonuses either are granted by the Planning Commission and/or City Council to the developer, to have an overall ratio of dwelling units to the planned development site area greater than would be allowed for a conventional development in the same location; or are applied pursuant to §10.7.400.
- D5. Density Transfer. The transfer of all or part of the permitted density from one part of a development site to another part.
- D7. Development. 1) Any man-made change to improved or unimproved estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or material located within the area of special flood hazard; or 2) division of land into two or more parcels, including partitions and subdivisions as provided in Oregon Revised Statutes Chapter 92.
- D8. Development Site. A lot or combination of lots upon which one (1) or more buildings and/or other improvements are constructed.
- D9. Director. The Director of Community Development for the City of Forest Grove, Oregon, or designee.
- D10. Domesticated Fowl. Chickens, quail, pheasants, and ducks.
- D11. Drive-Through Facility, Drive-In Use. A facility or structure that is designed and intended to allow drivers to remain in their vehicles before and during participation in an activity on the site.

- D12. Driveway. A private way providing ingress and egress from one (1) or two (2) lots, parcels or tracts to a public or private street.
- D13. Dwelling-Related Definitions:
- a. Dwelling - A structure or portion thereof that is used for human habitation including permanent provisions for living, sleeping, eating, cooking and sanitation.
 - b. Accessory Dwelling Unit - One (1) or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling.
 - c. Apartment Or Multiple-Family Dwelling - A structure containing at least three (3) dwelling units in any vertical or horizontal arrangement, located on a single lot or development site, but excluding single-family attached building types on two (2) or more contiguous lots.
 - d. Duplex - Two (2) dwelling units placed so that some structural parts are in common and are located on a single lot.
 - e. Single-Family Dwelling:
 - (1) Attached Dwelling - Two (2) or more dwelling units attached side by side on two (2) or more contiguous, separate lots with some structural parts in common at a common property line.
 - (2) Detached Dwelling - One (1) dwelling unit, freestanding and structurally separated from any other dwelling unit or buildings, located on a lot.
 - (3) Manufactured Home - Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. §5401), commonly known as the U.S. Department of Housing and Urban Development (HUD) code.
- E1. Easement. A grant of one (1) or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.
- E2. Egress. An exit.
- E3. Employees. All persons, including proprietors, working on the premises during the largest shift at peak season.
- E4. Enlargement. An increase in size of an existing structure or use, affecting the physical size of the property, building, parking and other improvements.
- E5. Exception. Permission to depart from a specific design standards in the Development Code.
- F1. Face. The wall of a building as measured from the ground level to roof line and from each corner of the building, creating a plane perpendicular to the horizon.
- F2. Family. One (1) or more persons occupying premises and living as a single housekeeping unit provided that, unless all members are related by blood or marriage, or are legally adopted or court appointed guardian, that number of persons shall not exceed five (5).

- F3. Fence. A barrier grown, placed or constructed for the purpose of obstructing movement or vision.
- F4. Final Action, Final Decision or Final Order. A determination reduced to writing, signed and filed by the appropriate approval authority.
- F5. Findings. A written statement of the facts determined to be relevant by the approval authority as the basis for making its decision. The approval authority applies the relevant facts to the approval criteria or standards in order to reach its decision.
- F6. Flood-Related Definitions:
- a. Area of Special Flood Hazard - The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. Designation on maps always includes the letter "A".
 - b. Base Flood - The flood having a 1% chance of being equaled or exceeded in any given year. Also referred to as the "one-hundred-year flood." Designation on maps always includes the letter "A".
 - c. Below-Grade Crawl Space - An enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.
 - d. Conditional Letter of Map Revision (CLOMR) - A letter from FEMA commenting on whether a proposed project, if built as proposed, would meet the minimum NFIP standards or proposed hydrology changes.
 - e. Critical Facility - A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.
 - f. Elevated Building - For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.
 - g. Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland waters and/or
 - (2) The unusual and rapid accumulation of runoff of surface waters from any source.
 - h. Floodplain - The zone along a watercourse enclosed by the outer limits of land which is subject to inundation in its natural or lower revised contours by the base flood.
 - i. Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
 - j. Floodway Fringe - The area of the floodplain lying outside of the floodway.

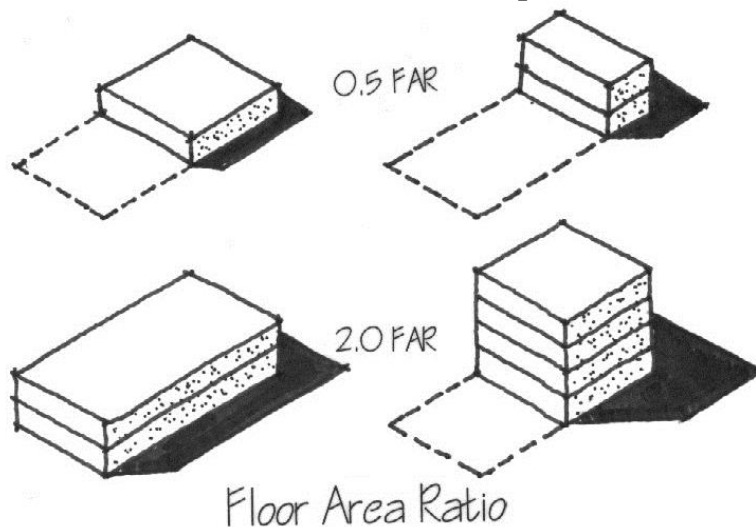
Figure 12-1: Flood-Related Terms



- k. Flood Insurance Rate Map (FIRM) - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- l. Flood Insurance Study - The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
- m. Flood Management Area (FMA) - Includes land identified within the 100-year flood plain and floodway as shown on the Federal Emergency Management Agency Flood Insurance Maps and land identified in updated flood studies such as Metro's 1996 Flood Inundation Map or any other authoritative data documenting flood elevations as approved by the City.
- n. Highest Adjacent Grade - The highest natural elevation of the ground surface prior to construction, adjacent to the proposed wall of a structure.
- o. Letter of Map Change (LOMC) - An official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps (FIRM) and/or Flood Insurance Studies (FIS). LOMCs are issued in the following categories:
 - 1. Letter of Map Amendment - An amendment to the Flood Insurance Rate Maps based on technical data showing that an existing structure or parcel of land that has not been elevated by fill (natural grade) was inadvertently included in the special flood hazard area because of an area of naturally high ground above the base flood.
 - 2. Letter of Map Revision (LOMR) -
 - i. LOMR-F (Letter of Map Revision Based on Fill) – A letter from FEMA stating that an existing structure or parcel of land that has been elevated by fill would not be inundated by the base flood.
 - ii. A LOMR revises the current FIRM and/or FIS to show changes to the floodplains, floodways or flood elevations. LOMRs are generally based on manmade alterations that affected the hydrologic or hydraulic characteristics of a flooding source and thus result in modification to the existing regulatory floodway, the effective Base Flood Elevation, of the Special Flood Hazard Area. It is recommended a conditional letter of map revision be approved by FEMA prior to issuing a permit to start a project if the project has a potential to affect the special flood hazard area (see Conditional Letter of Map Revision).

- p. Lowest Floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of §10.5.640(B)(1)(b).
- F7. Floor Area. The gross horizontal area, under a roof, of all floors of a building, measured from the exterior walls, excluding vents, shafts, courts and space devoted to off-street parking. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.
- F8. Floor Area Ratio. The gross floor area of all buildings or structures on a lot divided by the total lot area.

Figure 12-2
Floor Area Ratio Examples



- F9. Frontage. That portion of a development site which abuts a public or private street.
- F10. Front Porch, Standard. A roofed front porch which is at least six (6) feet wide, has a minimum floor area of ninety (90) square feet, and occupies at least one-third (1/3) of the lineal distance of the front elevation.
- G1. Garage. A building or portion thereof in which a motor vehicle is stored, repaired or kept.
- G2. Grade (ground level). The average of the finished ground level at the center of all walls of the building. If a wall is parallel to and within five (5) feet of a sidewalk, the ground level shall be measured at the sidewalk.
- G3. Grade, Natural. The elevation of the original or undisturbed natural surface of the ground.
- G4. Grade, Subgrade. The elevation established to receive top surfacing or finish material.

H1. Historic Landmarks-Related Definitions.

- a. Basement: A level that is below grade where the mid-height from its floor to its ceiling is below grade for a minimum of 50% of its perimeter.
- b. Block Face: The historic contributing buildings on the particular block face and on the same side of the street as the applicant property; may use historic non-contributing buildings for reference if there are no historic-contributing buildings.
- c. Building Line: The line where the building or structure intersects grade. At open walls, the eave line shall be used.
- d. Building Parts:
 - Main Portion: The central building mass.
 - Front Portion: The front section of the building; extends back one room, or ten feet from the front wall.
 - Wings: A subsidiary and extension portion of the building; at least one room in size.
- e. Bay: A partial room projection. It may extend to grade, the floor level, or may be raised, and may also have its own roof.
- f. Demolition: The removal of 50% or more of a landmark or historic contributing building, based on its assessed value.
- g. Historic Contributing Building: Any building, structure, object or site within the boundaries of a historic district which reflects the significance of the district as a whole due to historic associations, historic architectural qualities, or archeological features.
- h. Historic Landmark: Any structure, archeological site, prehistoric site, or historic site on the Forest Grove Register of Historic and Cultural Landmarks (Historic Register) as designated by the City Council.
- i. Historic Landmarks Board. The Historic Landmarks Board of the City of Forest Grove or any subcommittee thereof.
- j. Integrity: The historic, character-defining physical features that convey a building, object, site or structure's significance as part of a district.
- k. Non-Contributing Building. Any building, structure, object or site within the boundaries of a historic district that do not add to the qualities, associations, or values of the district because they were not present during the district's period of significance or because they no longer possess historic integrity due to alterations, additions, or other changes.
- l. Oblique, Non-Orthogonal, Skewed Front Walls: Front walls that are not parallel to or at a 90-degree angle to their side walls.
- m. Primary Building Side: The most architecturally significant side, typically the front and the side that faces the street and that typically has the main entry.
- n. Secondary Building Side(s): Non-primary side(s).
- o. Visible Sides or Portions: Portions of the building that are visible from the adjacent street(s) or public way.

See other building terms in the Appendix of the Design Guidelines Handbook *Section V Historic District Design Guidelines*.

- H2. Home Occupation. Any occupation or activity which is clearly incidental and secondary to the principal use of the premises or dwelling and which is carried on wholly within the main building by a member of the family residing on the premises.

- I1. Impact Analysis. A study to determine the potential direct or indirect effects of a proposed development on activities, utilities, circulation, surrounding land uses, community facilities, environment, and other factors.
- I2. Impervious Surface. Any material that prevents absorption of storm water into the ground.
- I3. Interested Party. A person, group or organization expressing interest in receiving public notices consistent with the provisions of this Code, on land use permits or matter based on location or topic.
- L1. Loading Space or Loading Area. An off-street space or berth on the same lot or parcel, with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle which is loading or unloading persons, merchandise or materials, and which space or berth abuts upon a street, alley or other appropriate means of access and egress.
- L2. Lot-Related Definitions.
 - a. Lot - A unit of land that is created by a subdivision or partition of land and is owned by or under the lawful control and in the lawful possession of one ownership.
 - b. Corner Lot - A lot situated at the intersection of two (2) streets where the interior angle of such intersection does not exceed 135°.
 - c. Flag Lot - A lot located behind a frontage lot, plus a strip of land out to the street for an access drive. A flag lot results from the subdivision or partitioning of a residential lot or parcel which is more than twice as large as the minimum allowed in the underlying zone, but without sufficient frontage to allow two dwellings to front along a street. There are two (2) distinct parts to a flag lot: the “flag” which comprises the actual building site located at the rear portion of the original lot, and the “pole” which provides access from a street to the flag lot. The flag pole can either be part of the rear lot or granted as an easement from the front lot.
 - d. Front Lot Line - In the case of an interior lot, a property line which abuts the street; in the case of a corner lot, the shortest of the two property lines which abut the street; except where the narrowest side of a lot is a minimum of 75 feet there may be a choice of frontage.
 - e. Improved Lot - (1) A lot upon which a building can be constructed and occupied; (2) a lot with buildings or structures.
 - f. Interior Lot - A lot other than a corner lot and having frontage on only one street.
 - g. Lot Area - The total horizontal area within the lot lines of a lot exclusive of public and private roads, and access easements to other property or the private driveway area of a flag lot.
 - h. Lot Averaging - A design technique permitting one or more lots in a subdivision to be undersized, providing that the average lot size is no less than that required in the underlying zone.
 - i. Lot Coverage - The percent of a lot area covered by the horizontal projection of any structures or buildings.
 - j. Lot Depth - The distance from the midpoint of the front lot line to the midpoint of the rear lot line.
 - k. Lot Line - The property line bounding a lot.

- l. Lot Line Adjustment - The relocation of recorded lot lines which does not result in the creation of an additional lot.
- m. Lot of Record - A lawfully created lot which existed prior to the effective date of the code.
- n. Lot Width - The average horizontal distance between the side lot lines measured within the building envelope.
- o. Rear Lot Line - The recorded lot line or lines most distant from and generally opposite the front lot line, except that in the case of an interior triangular lot or lot with more than four (4) sides, it shall mean a straight line ten (10) feet in length which is parallel to the front lot line or its chord and intersects the other lot lines at points most distant from the lot line.
- p. Side Lot Line - Any lot boundary not a front or rear lot line.
- q. Substandard Lot - A parcel of land that has less than the minimum area or minimum dimensions required in the zone in which the lot is located unless part of a project in which lot averaging has been approved.
- r. Tax Lot - Lot designation created by the County Assessor for the purpose of levying property taxes.
- s. Through Lot - A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.
- t. Zero Lot Line - The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

Figure 12-3: Types of Lots

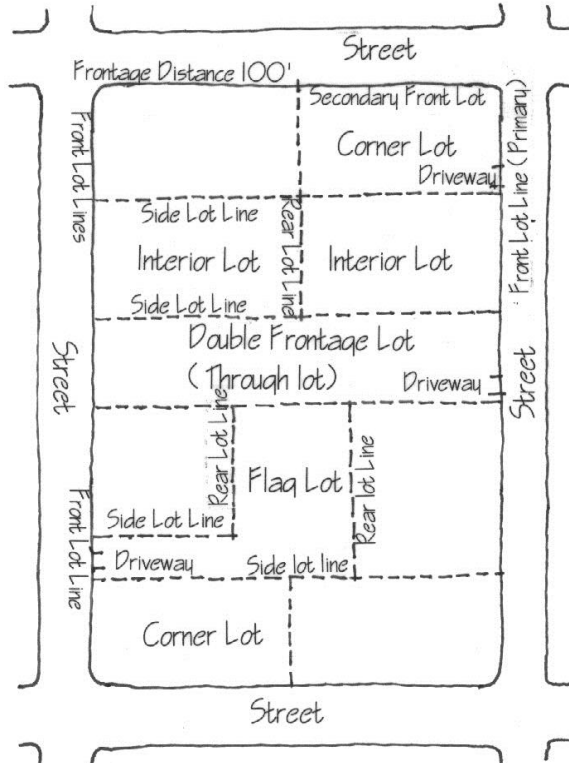


Figure 12-4: Lot Related Definitions

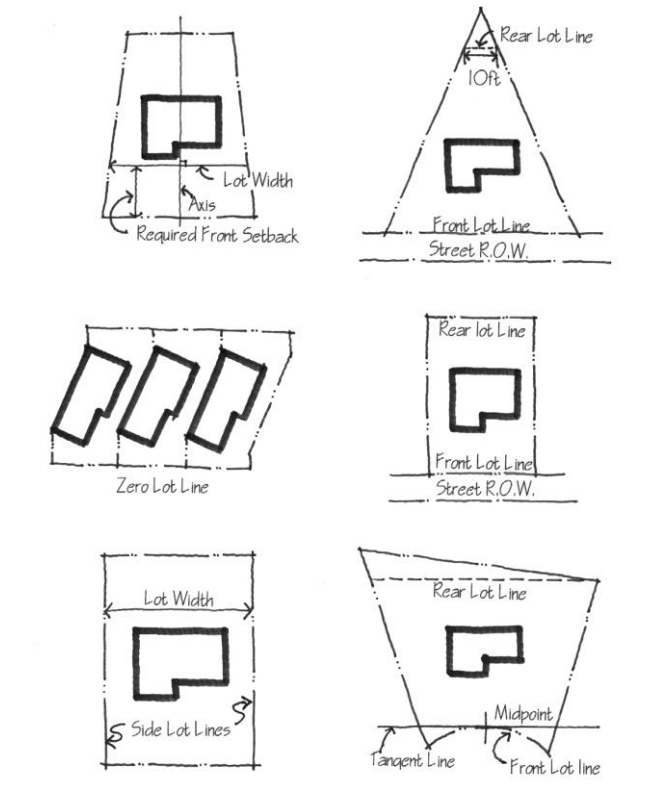


Figure 12-5: Lot Lines and Setbacks

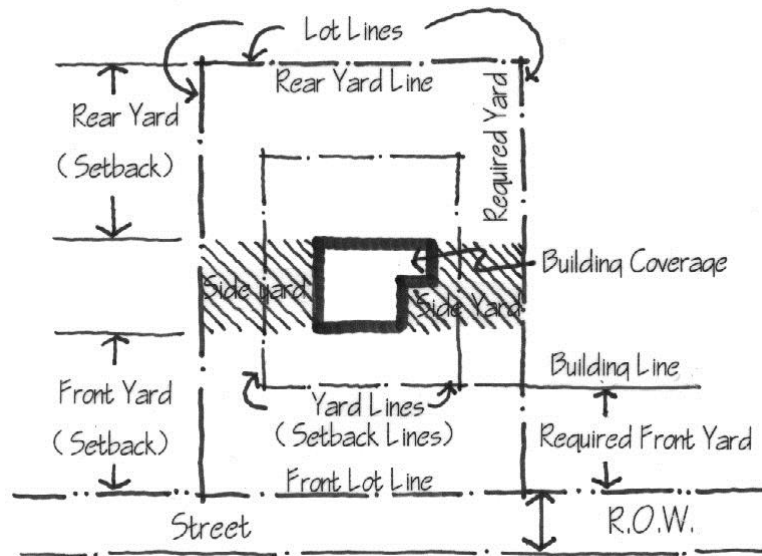
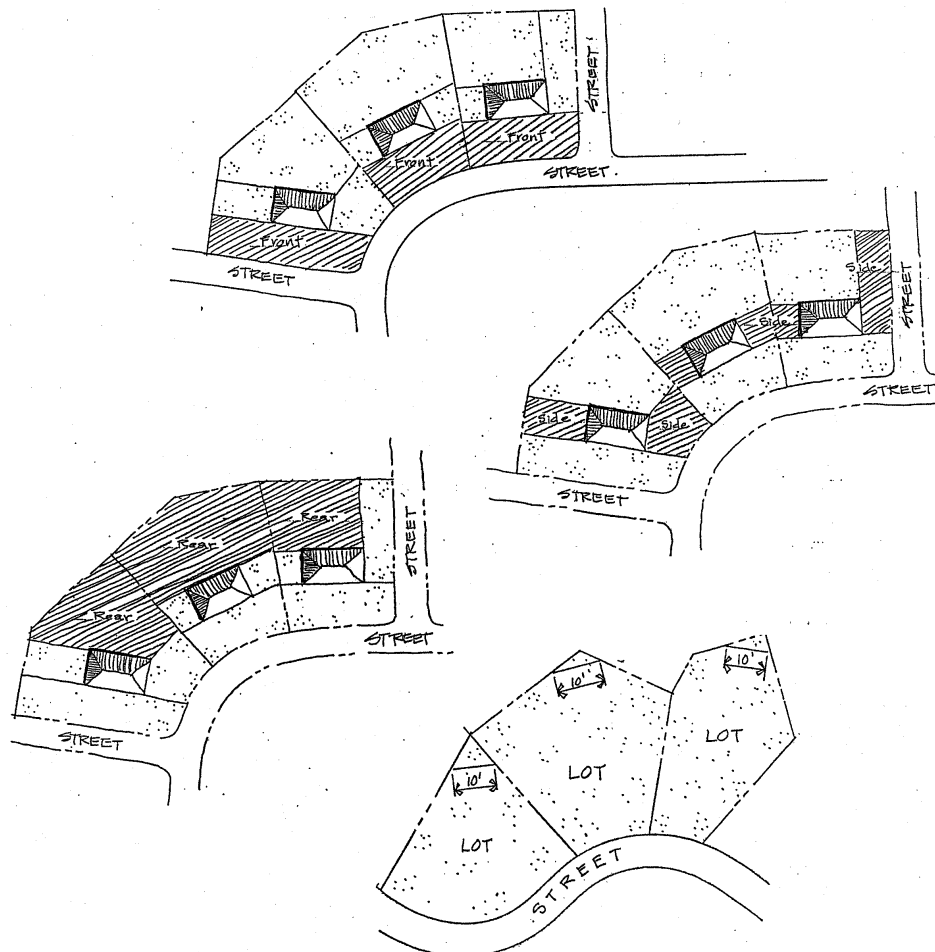


Figure 12-6: Yard Definitions



- M1. Mitigation. Methods used to alleviate or lessen the impact of development.
- M2. Mixed-Use Development. The development of a tract of land, building or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public or entertainment, in a compact urban form.
- M3. Mobile Home. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- M4. Manufactured Dwelling Park. Any place where four (4) or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Manufactured dwelling park” does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.190. ORS 446.003 (27)
- M5. Manufactured Dwelling Space. A plot of ground within a manufactured dwelling park designed for the accommodation of one (1) manufactured dwelling.
- M6. Medical Marijuana Dispensary. A facility registered with the Oregon Health Authority or for which an application has been submitted to the Oregon Health Authority that transfers usable marijuana, immature marijuana plants, seeds, and cannabinoid products, concentrates and extracts to registrants and primary caregivers. Dispensaries also receive transfers of cannabinoid products, concentrates and extracts from marijuana processing facilities. Dispensaries receive transfers of usable marijuana, immature marijuana plants and seeds from registrants and primary caregivers. Medical marijuana dispensaries are classified as Commercial: Medical Centers.
- M7. Marijuana Facilities. Facilities including recreational marijuana producers, recreational marijuana processors, recreational marijuana retailers, recreational marijuana wholesalers and medical marijuana dispensaries, medical marijuana producers, and medical marijuana processors.
- M8. Marijuana Processor. A facility licensed by the Oregon Liquor Control Commission or registered by the Oregon Health Authority to process, compound or convert marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extract. Marijuana processors are classified as Industrial: Manufacturing and Production.
- M9. Medical Producer - Medical. A specific location registered by the Oregon Health Authority (OHA) used by a medical marijuana grower to manufacture, plant, cultivate, grow, or harvest marijuana or dry marijuana leaves or flowers for medical use by a specific patient. Medical marijuana producers are classified as Other:

Agriculture/Horticulture.

- M10. Marijuana Producer - Recreational. A facility that is licensed by the Oregon Liquor Control Commission to manufacture, plant, cultivate, grow or harvest marijuana. Recreational Marijuana Producers are classified as Other: Agriculture/Horticulture.
- M11. Marijuana Production - Indoor. According to OAR 845-025-2000(2) means producing marijuana in any manner (a) utilizing artificial light on mature marijuana plants or (b) other than outdoor production.
- M12. Marijuana Production - Outdoor. According to OAR 845-025-2000(3) means producing marijuana (a) in an expanse of open or cleared ground or (b) in a greenhouse, hoop house or similar non-rigid structure that does not utilize any artificial light on mature marijuana plants, including but not limited to electrical lighting sources.
- M13. Marijuana Retailer. A facility licensed by the Oregon Liquor Control Commission to sell marijuana to a consumer. Marijuana retailers are classified as General Retail: Sales-Oriented.
- M14. Marijuana Testing Laboratories. A state-licensed laboratory for testing of marijuana items licensed by the Oregon Liquor Control Commission. Marijuana testing laboratories are classified as Commercial: Office.
- M15. Marijuana Wholesaler. A facility licensed by the Oregon Liquor Control Commission to purchase marijuana items in Oregon for resale to a person other than a consumer. Recreational marijuana wholesalers are classified as Industrial: Wholesale Sales.
- N1. Natural Resource Area. The area defined by Metro as Riparian Wildlife Habitat Class I and II and Upland Wildlife Habitat Area A and B as shown on the Regionally Significant Fish and Wildlife Habitat Inventory Map dated at the time of adoption of this section or as amended in the future excluding those portions within Sensitive Areas and Vegetative Corridors as determined by Clean Water Services Design and Construction Standards.
- N2. Neighborhood Store. A commercial structure of 2,000 square feet or less providing goods and services to a neighborhood area. Such store is intended to provide convenience items to reduce the need for longer trips, and is not intended to provide goods and services which would encourage trips from throughout the community.
- N3. New Construction. Structures for which the “start of construction” commenced on or after the effective date of this ordinance.
- N4. Nonconforming. A use, structure, or lot of record that lawfully existed prior to the adoption of this code but which does not meet the requirements of this code, or any amendment thereof.
- O1. Occupancy Permit. A required permit allowing the use of a building or structure after it has been determined that all the requirements of applicable ordinances have been met.

- O2. Off-Site Impact. A condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe or unhealthy conditions on a site proposed for development or on off-site property or facilities.
- O3. Off-Site Improvement. Improvements required to be made off-site as a result of an application for development and including, but not limited to, road widening and upgrading, storm water facilities, and traffic improvements.
- O4. Open Space. A space on a lot that is open and without artificial obstruction to the sky and not occupied by parking lots, structures, or portions of structures.
- O5. Outdoor Storage. The keeping, not within a building area, of any goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours.
- P1. Parking Space. An area within a private or public parking area, building, or structure for the parking of one vehicle.
- P2. Partition. To divide land into two (2) or three (3) parcels of land within a calendar year. Partitioning does not include:
- a. A division of land resulting from a lien foreclosure, foreclosure of recorded contract for the sale of real property, or creation of cemetery lots;
 - b. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance;
 - c. The division of land resulting from the recording of a subdivision or condominium plat;
 - d. A sale or grant by a person to a public agency or public body for state highway, county road or right of way purposes provided that such road or right-of-way complies with the applicable comprehensive plan and ORS 215.213 (2)(p) to (r) and 215.283 (2)(p) to (r). However, any property divided by the sale or grant of property for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned; or
 - e. A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where property is located. *ORS 92.010(7)*

- P1. Party. A person who makes an appearance in a proceeding through the submission of either written or verbal evidence.
- P2. Pedestrian/Bicycle Accessway. Any off-street path or way which is intended for the primary use of pedestrians and/or bicycles.
- P3. Pedestrian Walkway. A hard-surface facility for pedestrians within a development or between developments, distinct from surfaces used for motor vehicles. A pedestrian walkway is distinguished by a sidewalk by its location on private property outside the public right-of-way and from a pedestrian/bicycle accessway by the function it serves.
- P4. Perimeter. The boundaries or borders of a lot, tract, or parcel of land.
- P5. Permitted Use. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district as provided in the development code.
- P6. Person. An individual, corporation, governmental agency, official advisory committee of the City, business trust, estate, trust, partnership, association, or two or more people having a joint or common interest or any other legal entity.
- P7. Plat. A final map, diagram or other writing containing all the descriptions, specifications and provisions concerning a subdivision.
- P8. Previously Approved Use. Any proposed project having received approval of a land use or building permit but is not generating impact on services or public facilities from the operation of the use.
- P9. Primary Entrance. The principal entry through which people enter a building. A building may have more than one (1) primary entry.
- P10. Projection. Part of a building or structure that is exempt from the bulk requirements of the Development Code.
- R1. Recreational Vehicles. A vacation trailer or other unit, with or without motor power, which is designed for human occupancy and to be used temporarily for recreation or emergency purposes. The manufacturer shall identify the unit as a recreational vehicle.
- R2. Recreation Space. The area within a lot or parcel specifically required to be designated and improved for the recreational use and enjoyment of residents of the development. One-half (1/2) of the floor area of ground floor patios and decks associated with residential facilities for the elderly can be considered as recreation space.
- R3. Residential Care Facility. A facility, not including a correctional facility, licensed by or under the authority of the Department of Human Resources, which provides residential care alone or in conjunction with treatment or training for six to fifteen individuals who need not be related.
- R4. Residential Care Home. A home, not including a correctional facility, licensed by or under the authority of the Department of Human Resources which provides residential

care alone or in conjunction with treatment or training for five or fewer individuals who need not be related.

- R5. Residential Care Institution. An institution, not including a correctional facility, licensed or under the authority of the Department of Human Resources, which provides residential care alone or in conjunction with treatment or training for more than fifteen (15) individuals who need not be related.
- R6. Remodel. An internal or external modification to an existing building or structure which does not increase the site coverage.
- R7. Reserve Strip. A strip of property usually one (1) foot in width overlaying a dedicated street which is reserved to the City for control of access until such time as additional right-of-way is accepted by the City for continuation or widening of the street.
- S1. School. A public elementary or secondary school for which attendance is compulsory under ORS 339.020, or a private or parochial elementary school, teaching children as described in ORS 339.030(1)(a).
- S2. Setback. The minimum allowable horizontal distance from a given point or line of reference to the nearest vertical wall or other element of a structure as defined herein. The point or line of reference will be the lot line.
- S3. Sign-Related Definitions. For the purpose of this section, certain terms and words are defined as follows: words used in the present tense include the future; the word “shall” is mandatory; the word “may” is discretionary; the phrase “used for” shall include the phrases “arranged for,” “designed for,” “maintained for,” and “occupied for”; and the word “business” shall be associated with the zoning terms and activities of “permitted use” and “conditional use.” The following terms shall mean:
- a. Abandoned Sign. A sign or sign structure where either: a) the sign is no longer used by the property or sign owner. Discontinuance of sign use may be shown by cessation of use of the property where the sign is located; or b) the sign has been damaged, and repairs and restoration are not started within 45 (forty-five) days of the date the sign was damaged, or are not diligently pursued, once started.
 - b. Accessory Sign. Signage which is an integral part of outdoor display structures associated with a commercial or industrial use such as soft drink machines, gas pump, newspaper dispensers, and other similar structures.
 - c. Alteration. Any change in the size, shape, method of illumination, construction, or supporting structure of a sign.
 - d. Area (of a sign).
 - (1) Projecting, Portable, and Freestanding: The area of the sign shall be measured as follows: The area around and enclosing the perimeter of the cabinet or module shall be totaled to determine the aggregate sign area. If the sign is composed of two or more sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be

the area of the sign. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is no written copy on such embellishments. All face areas of any multi-faced sign shall be counted in calculating its area. For a double-faced sign in a single cabinet, only the area of one face is counted.

(2) Wall Signs: The area around or enclosing each sign cabinet, or, where sign cabinets are not used, the area shall be that within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the message.

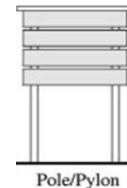
- e. Awning. A secondary covering attached to the exterior wall of a building. The location of an awning on a building may be above a window, a door, or over a sidewalk. An awning is often painted with information as to the name of the business, thereby acting as a sign, in addition to providing protection from weather.
- f. Balloon Sign. A sign made from a nonporous bag of tough light material normally filled with heated air or a gas lighter than air so as to rise and float and displaying graphics, symbols and/or written copy.
- g. Banner Sign. A sign made of fabric or any non-rigid material with no enclosing framework.
- h. Canopy. An awning supported by at least two columns. A canopy is able to extend further from a building than an awning, as in the case of an entrance to a restaurant or retail store.
- i. Changeable Copy Sign (Electronic). A sign or portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by small number of matrix elements using different combinations of light emitting diodes (LEDs) fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, micro-processor controlled electronic displays.
- j. Changeable Copy Sign (Manual). A sign on which copy is changed manually in the field, e.g., the panel permanently affixed as part of a larger sign, commonly used to advertise specials for commercial businesses.
- k. Clearance (of a sign). The vertical distance measured from the lowest point of the sign to the natural surface grade beneath the sign.
- l. Copy. The message on a sign surface in either permanent or removable letter form.
- m. Double-Face Sign. A sign with advertising on two (2) faces wherein the faces are parallel or within 10 degrees of parallel.
- n. Face (of a sign). The area of a sign on which the advertising is placed.
- o. Festoons. A string of ribbons, tinsel, small flags, lights, or pinwheels.
- p. Flashing Sign. A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include electronic changeable copy signs or signs which, through reflection or other means, create an illusion of flashing of intermittent light.

- q. Freestanding Sign. A sign supported upon the ground by a frame, pole(s), or other support structure which is not attached to any building. A freestanding sign shall count as one sign, even if it has two or more faces.

(1) Monument. A freestanding sign of which the entire bottom of the sign is generally in contact with or within three feet of grade. Earth mounding inconsistent with the final grade of the land surrounding the sign structure which increases the elevation of the sign shall be included in the measurement of sign height.



(2) Pylon Sign. A freestanding sign, usually double-faced, mounted on one or two supports above ground level. Also referred to as a pole sign.

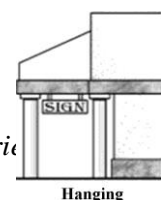


- r. Frontage. The length of the property line of a lot or parcel along a public right-of-way on which it borders.
- s. Hazardous Sign. A sign which is detrimental to the public safety, including but not limited to: any sign that has a design, color, or lighting which may be mistaken for a traffic light, signal, or directional sign; any sign which is located in such a manner as to obstruct free and clear vision to motorists or pedestrians at intersections and driveways; any sign which, because of its location, would prevent free ingress to or egress from any door, window, or fire escape; any sign that is attached to a standpipe or fire escape; any sign which has lighting which temporarily blinds or impairs one's vision; or any sign which is in a leaning, sagging, fallen, decayed, deteriorated, or other unsafe condition.
- t. Height (of a sign). The vertical distance measured from the highest point of the sign to the natural surface grade beneath the sign.
- u. Illuminated Sign. A sign with an artificial light source incorporated internally (i.e., direct illumination), or with an external light source directed to illuminate the exterior surface of the sign (i.e., indirect illumination). This definition includes signs with light sources which are disconnected from power.
- v. Incidental Sign. A small sign, emblem, or decal typically used to inform the public of goods, facilities, or services available on the premises (e.g., a credit card sign or a sign indicating hours of business).
- w. Landmark Sign. A sign found to be of historical or local significance by the Historic Landmarks Board.
- x. Maintenance. For the purposes of this chapter, the cleaning, painting, repair, or replacement of defective parts of a sign, or to achieve a change in sign face, in a manner that does not alter the basic design or structure of the sign.
- y. Marquee. A permanent roof-like projection from a building above the building entrance.
- z. Mounted Sign. A sign permanently attached to a building.



(1) Canopy Sign. A sign painted on, printed on, or attached flat against the surface of a canopy or awning.

(2) Hanging Sign. A sign that hangs beneath a marquee, canopy, or awning and is perpendicular to the building face. Also known as a



blade sign.

(3) Projecting Sign. A sign, other than a flat wall sign, that is attached to and projects from a building wall or other structure not specifically designed to support the sign.

(4) Roof Sign. Any mounted sign that projects above the top of a wall, eave, or parapet.

(5) Wall Sign. A sign attached parallel to and extending not more than 12 (twelve) inches from the wall of a building. This definition includes painted, individual letters, and cabinet signs.



aa. Moving Sign. A sign which uses mechanized movement (e.g. rotation) to attract attention, depict action, or to create a special effect or scene (and includes dancing inflatable displays).

bb. Multi-tenant Complex. A development consisting of one or more lots and two or more businesses sharing appurtenant facilities, such as driveways, parking and pedestrian walkways, and is designed to provide varied products and services at a single location.

cc. Nonconforming Sign. An existing sign, lawful before enactment of this chapter which does not conform to the provision(s) of this chapter.

dd. Permanent Sign. A sign structurally affixed to the ground or to a building and intended for display for more than 12 (twelve) consecutive months.

ee. Portable Sign. A sign not permanently affixed to a sign structure, a building, or the ground.

ff. Sign. Any device, structure, fixture, placard, and any related support structure erected for the purpose of displaying graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any business, person, institution, commodity, service, entertainment, or activity.

gg. Site. A lot, parcel, or tract of land under common ownership and/or developed together as a single development site, regardless of how many uses occupy the site.

hh. Temporary Sign. A sign or advertising display constructed of fabric, vinyl, paper, cardboard, plywood, or other light materials, with or without a frame, not permanently attached to a building, structure or ground intended to be displayed for a specific and limited period of time. A sign that will become obsolete after the occurrence of an event or series of events. Temporary signs typically include, but are not limited to: portable signs, event signs, for sale and lease signs, garage sale signs, and political campaign signs.

ii. Video Display Sign. A sign that changes message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with the characteristics onto buildings or other objects.

jj. Window Sign. A sign installed inside a window or painted on a window and intended to be viewed from the outside.

- S4. Significant Expansion. Any expansion of an existing use which equals or exceeds 1,000 square feet or 20% of floor area, whichever is greater.
- S5. Site. Any plot or parcel of land or combination of contiguous lots or parcels of land.
- S6. Slope. The deviation of a surface from the horizontal, usually expressed in percent or degrees.
- S7. Site Plan. A plan, prepared to scale showing accurately the location and dimensions of all the uses and structures proposed for a parcel of land, and other information as required by specific sections of this code.
- S8. Start of Construction. The first placement of permanent construction of a structure (other than a manufactured dwelling) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a structure (other than a manufactured dwelling) without a basement of poured footings, the "start of construction" including the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For manufactured dwellings not within a manufactured home park or subdivision, "start of construction" is the date on which the construction of facilities for servicing the site on which the manufactured dwelling is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.
- S9. Structure. A walled and roofed building including a gas or liquid storage tank that is principally above ground.
- S10. Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.
- S11. Street. A public or private way that is created to provide ingress or egress for persons to three (3) or more lots, parcels or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.
- S12. Subdivision. To divide an area or tract of land into four (4) or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year. The term "subdivision" also applies to an area or tract of land which has been subdivided.
- S13. Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:
- a. Before the improvement or repair is started; or

- b. If the structure has been damaged and is being restored, before the damage occurred. “Substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
 - (1) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions; or
 - (2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- T1. Temporary Use. A use that is 1) seasonal or directed toward a specific event; 2) occasioned by an unforeseen event; or 3) sales offices and model homes for the sale of homes.
- T2. Transit Street. Any street identified as an existing or planned bus or light rail route.
- T3. Transit-Oriented Uses. Includes multi-family residential development, retail, office, and institutional uses of sufficient intensity to support transit operations, and transit-supportive features such as bus stops and pullouts, bus shelters, park-and-ride stations, and pedestrian spaces.
- T4. Tree Related Definitions. The following terms apply.
 - a. Arborist. An individual certified as an arborist by the International Society of Arborist (ISA) or the American Society of Consulting Arborist (ASCA), or similar certification determined equivalent by the Director.
 - b. Caliper. The diameter of nursery stock measured six (6) inches above the base of the tree.
 - c. Canopy. Space of the tree above ground including the trunk and branches measured in volume.
 - d. Critical Root Zone. Circular area surrounding the tree trunk a distance of one (1) foot per one (1) inch of tree diameter, e.g. a 20 inch diameter tree has a critical root zone of 20 feet.
 - e. Developable Land. For purposes of Tree Protection (§10.5.100 et. seq.), developable land is property that can have additional residential units or additional commercial or industrial development without removing existing structures and while meeting City code standards
 - f. Drip Line. The outermost edge of the tree’s original canopy. When depicted on a plan, the drip line will appear as an irregular-shaped circle that follows the canopy edge of the tree branches as seen from overhead.
 - g. Grove. A stand of three or more trees (of the same species or a mixture), which form a visual and biological unit.
 - h. Inventory. All trees and groves listed in the *Forest Grove Significant Tree Inventory* (as amended) or other record accepted by the Community Forestry Commission (CFC) which indicates the location, size, species, and/or value of trees.
 - i. Major Pruning. Removal of more than 20% of the tree’s canopy, any tree topping, or disturbance of more than 10% of the root system.

- j. Mitigation Bank. Public land used for mitigation of trees and vegetation damaged or destroyed during work in Natural Resource Areas, when on-site mitigation is not practical, or when off-site mitigation is environmentally preferable.
 - k. Oregon White Oak, *Quercus Garryana*. Species of hardwood tree with a habitat range which includes the Willamette Valley. Many White Oak trees in Forest Grove pre-date the founding of the Tualatin Academy (now Pacific University) in 1849 and are more than 200 years old.
 - l. Professional Standards (pruning). Acceptable pruning standards as defined by the International Society of Arboriculture, a similar organization or as defined by the Director.
 - m. Register Tree. Any tree which is listed on the *Tree Register* under the provisions of §10.5.135.
 - n. Topping. Considered by the International Society of Arboriculture (ISA) to be perhaps the most harmful tree pruning practice known. Not considered an acceptable pruning practice for protected trees in Forest Grove. Involves the indiscriminate cutting back of tree branches to stubs or lateral branches that are not large enough to assume the terminal role. Other names for topping include “heading,” “tipping,” “hat-racking,” and “rounding over.”
 - o. Tree. Any woody, perennial plant (deciduous, evergreen or coniferous) characterized by having a single main stem or trunk, but may include multi-stemmed or multi-trunked trees.
 - p. Vegetation. Any woody, perennial plant – deciduous, evergreen or coniferous – which is not defined as a tree.
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- U1. Use. The purpose for which land or a structure is designed, arranged or tended, or for which it is occupied or maintained.
 - U2. Urban Services. The term includes the following services and facilities: public sanitary and storm sewer system; public water supply; street system; police and fire protection; public schools; public parks; and public library services.
 - V1. Variance. A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.
 - V2. Vehicle Parking Space. An area within a private or public parking area, building or structure for the parking of one (1) vehicle.
 - W1. Water Dependent. A structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.
 - W2. Water Quality Sensitive Areas. Water Quality Areas shall include the following: existing or created wetlands; rivers; streams; and springs with year round or intermittent flow; and impoundments including natural lakes and ponds with average water in the summer of one acre foot or more or with and average depth of three feet or more.
 - W3. Wetlands. Those areas that are inundated or saturated by surface or groundwater ant a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

- W4. Wildlife Conservation Area. An area designated on the Zoning Map for the conservation of fish and wildlife habitat.
- Y1. Yard-Related Definitions:
- a. Yard. An open space unobstructed from the ground upward except as otherwise provided in this title.
 - b. Corner Side. A yard extending from the front yard to the rear lot line on the street side of a corner lot.
 - c. Front. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the main building.
 - d. Rear. A yard extending across the full width of the lot between the rear main building and the nearest point of the rear lot line.
 - e. Side. A yard between the main building and the side lot line extending from the front yard or front lot line where not front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of the main building.
- Z1. Zoning District. An area of land within the Forest Grove city limits designated for specific types of permitted developments, subject to the development requirements of the district.